

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 BANK OF AMERICA, N.A.,

4 Plaintiff

5 v.

6 WOODCREST HOMEOWNERS  
7 ASSOCIATION and 6541 PLEASANT  
PLAINS WY TRUST,

8 Defendants

Case No.: 2:15-cv-01024-APG-GWF

**Order Setting Briefing Schedule for  
Supplemental Briefs**

[ECF No. 69]

9 Plaintiff Bank of America, N.A. sues to determine whether its deed of trust still  
10 encumbers property located at 6541 Pleasant Plains Way in Las Vegas, Nevada, following a non-  
11 judicial foreclosure sale conducted by the homeowners association (HOA), defendant Woodcrest  
12 Homeowners Association (Woodcrest). Defendant 6541 Pleasant Wy Trust (Trust) purchased  
13 the property at the HOA foreclosure sale.


14 The parties have moved for summary judgment. While those motions were pending,  
15 Bank of America moved for leave to file supplemental authority, specifically the Supreme Court  
16 of Nevada's decision in *Bank of America, N.A. v. Thomas Jessup, LLC Series VII*, 435 P.3d  
17 1217, 1220 (Nev. 2019). *Jessup* held that Bank of America's offer to pay the superpriority  
18 amount, combined with evidence that the HOA's foreclosure agent would have rejected tender,  
19 operated to cure the superpriority portion of the HOA lien. The foreclosure agent's letter in  
20 *Jessup* appears to be identical to the letter sent by Woodcrest's foreclosure agent in this case.  
21 *Compare id.* at 1218 with ECF No. 56-8 at 4. The Trust does not oppose the motion for leave to  
22 file supplemental authority so long as it has a chance to respond (although it did not attach a  
23 proposed response to its opposition).

1 Because *Jessup* may be dispositive, I grant the parties leave to file supplemental briefs  
2 addressing *Jessup*'s application to this case. The parties' briefs shall be limited to five pages and  
3 may address only the impact *Jessup* may have on this case. To the extent the Trust intends to  
4 argue this case does not have similar testimony from Rock Jung or Kelly Mitchell, the parties  
5 must address whether additional discovery is necessary on this point and whether there is any  
6 likelihood that the testimony of these witnesses would be different in this case than it was in  
7 *Jessup*.

8 IT IS THEREFORE ORDERED that plaintiff Bank of America, N.A.'s motion for leave  
9 to file supplemental authority (**ECF No. 69**) is **GRANTED**.

10 IT IS FURTHER ORDERED that the defendants may file response briefs regarding the  
11 impact of *Jessup* on this case on or before August 2, 2019. The plaintiff may file a reply brief on  
12 or before August 9, 2019. The briefs may not exceed five pages each.

13 DATED this 23rd day of July, 2019.

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16 ANDREW P. GORDON  
17 UNITED STATES DISTRICT JUDGE  
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